

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SARA LYNN POWERS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROBERTA HELDT,

Respondent-Appellant.

UNPUBLISHED

October 28, 2003

No. 246578

Lenawee Circuit Court

Family Division

LC No. 01-000393-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Initially, respondent-appellant challenges the admission of the McCollough Vargas and Family Service reports. We find no error. These reports were admitted without objection at an earlier hearing. They were relevant and material, and properly admitted under MCR 5.974(F)(2), now MCR 3.973(E)(2). Further, the McCollough Vargas report was signed by Velea Kelly, who testified she was one of respondent-appellant's counselors. This report was not objected to at the dispositional hearing. Further, evidence in the reports was cumulative of other evidence admitted at the hearings.

The trial court did not clearly err in finding the statutory grounds for termination established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The principal conditions leading to adjudication were a lack of suitable housing, failure to properly care for the child, respondent-appellant's mental illness, and alleged physical abuse of the child by respondent-appellant's husband. The evidence established that while respondent-appellant made some progress, she failed to take advantage of many services and programs to improve parenting skills and avoid domestic violence. She did not obtain suitable housing and her mental illness was severe and cyclical. The trial court similarly did not clearly err in finding that the likely possibility of respondent-appellant's reunion or continued contact with the alleged abuser posed a significant risk of harm to the child.

Further, the evidence did not show the termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*. Although the child indicated she loved her mother, she needs a stable, structured environment free from abuse, which her mother cannot provide. Under the circumstances, the trial court did not err in terminating respondent-appellant's parental rights.

We affirm.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello